



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA June 23, 2010

Tom Baker Meeting Room	5:00 p.m.	City-County Building
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Item No.	Page
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MINUTES

1. Consider the approval of the minutes of the May 26, 2010 meeting of the Bismarck Planning and Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following item is a request for a public hearing.

2. **Schmitt Subdivision – Preliminary Plat (G²)** 1

Apple Creek Township

Staff recommendation: tentative approval ☐tentative approval ☐table ☐deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

3. **Country West XXX**

- a. **Annexation** 5

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

- b. **Zoning Change (R5 to R10)**..... 7

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

- c. **Final Plat**..... 11

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

Bismarck-Burleigh County Community Development Department

221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org

4. **Lot A of NE ¼ of Section 2, T139N-R80W/Hay Creek Township –**
Zoning Change (A to RR) (G²)17

Hay Creek Township

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

5. **Lot 8, Block 2, Tibesar's First Addition – Special Use Permit (day care center) (JT)**21

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

6. **Floodplain District – Zoning Ordinance Text Amendment (Klee)**29

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

OTHER BUSINESS

7. **Other Business**

ADJOURNMENT

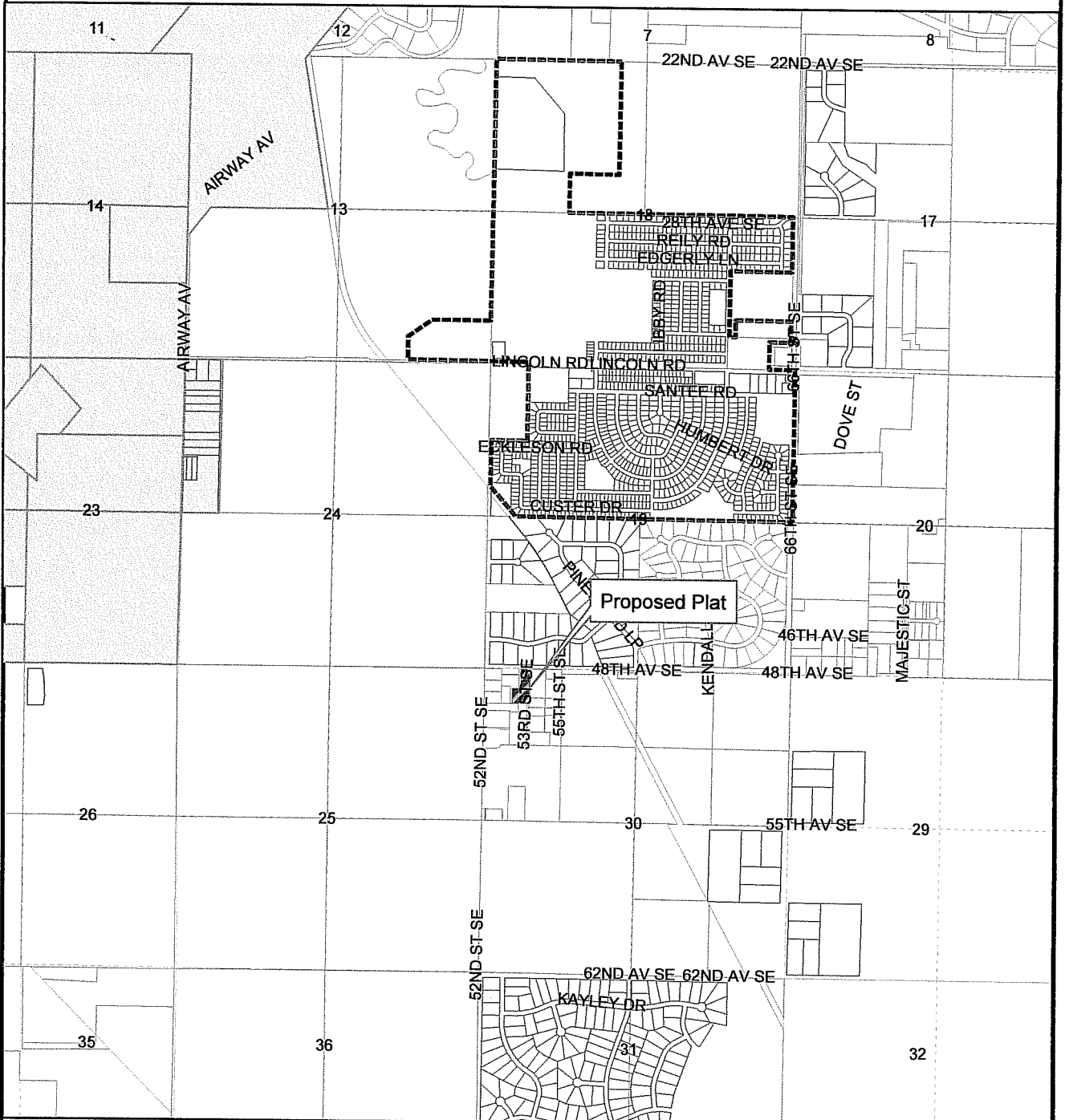
8. **Adjourn.** The next regular meeting date is scheduled for Wednesday, July 28, 2010.

Enclosure: Minutes of the May 26, 2010 meeting
 Major Building Permits Report for May 2010
 Building Permit Activity Report for May 2010

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
Title: Schmitt Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	Date: June 23, 2010
Owner(s): Gerald & Marie Schmitt	Engineer: Swenson, Hagen & Company
Reason for Request: The owners wish to plat this parcel and build a single family house on this vacant property.	
Location: South of Lincoln in Swansonville, 1/8 mile east of 52 nd Street S.E. on the south side of 48 th Avenue S.E. (NW ¼ of Section 30, T138N/R79W Apple Creek Township)	
Project Size: 2.9 acres	Number of Lots: 1 lot in 1 block
EXISTING CONDITIONS:	
Land Use: Vacant, undeveloped	PROPOSED CONDITIONS:
Zoning: RR- Rural Residential	Land Use: Single-family dwelling
Uses Allowed: Large-lot single family residential	Zoning: RR- Rural Residential
Maximum Density Allowed: 1 unit per 65,000 sq. ft.	Uses Allowed: Large-lot single family residential
	Maximum Density Allowed: 1 unit per 65,000 sq. ft.
PROPERTY HISTORY:	
Zoned: ---	Platted: ---
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. This parcel is currently zoned RR-Residential which matches the proposed use. A zoning change is not needed. 2. The proposed subdivision complies with the Fringe Area Road Master Plan, adequate right-of-way will be dedicated for 48th Avenue S.E., a future arterial roadway. 3. Because this property is within 2-miles of the corporate boundary, a plat note will indicate the terms of the current rural and possible future city water supplying this property. 4. Access to the property is provided by a shared, unimproved private driveway which is maintained by the users. 5. The applicant is requesting a waiver of the minimum lot width of 150-feet. This lot is 148.5-feet wide. 6. The proposed subdivision is compatible with adjacent land uses and would not adversely affect property in the vicinity. Surrounding land use includes similar large-lot, mostly unplatted, RR-Residential properties. 7. The proposed plat is not completely consistent with all adopted plans, policies and accepted planning practices because it is not served by a publicly maintained, all-weather access road built to minimum standard specifications. Emergency services could encounter more than normal difficulties when providing assistance in extreme weather situations. 	
RECOMMENDATION:	
Based on the above findings, staff recommends tentative approval of the preliminary plat of Schmitt Subdivision and approval of the requested lot-width waiver.	

Proposed Plat Schmitt Subdivision



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Map was Updated/Created: May 26, 2010 (kdg)

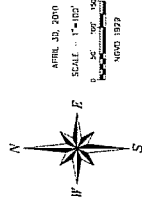
Source: City of Bismarck



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JUN 12 2010

PRELIMINARY PLAT
SCHMITT SUBDIVISION
 PART OF GOVERNMENT LOT 1 & THE
 SOUTH 250' LOT 1 BLOCK 1 HAYES SUBDIVISION
 SECTION 30, T. 138 N., R. 79 W.
 BURLEIGH COUNTY, NORTH DAKOTA

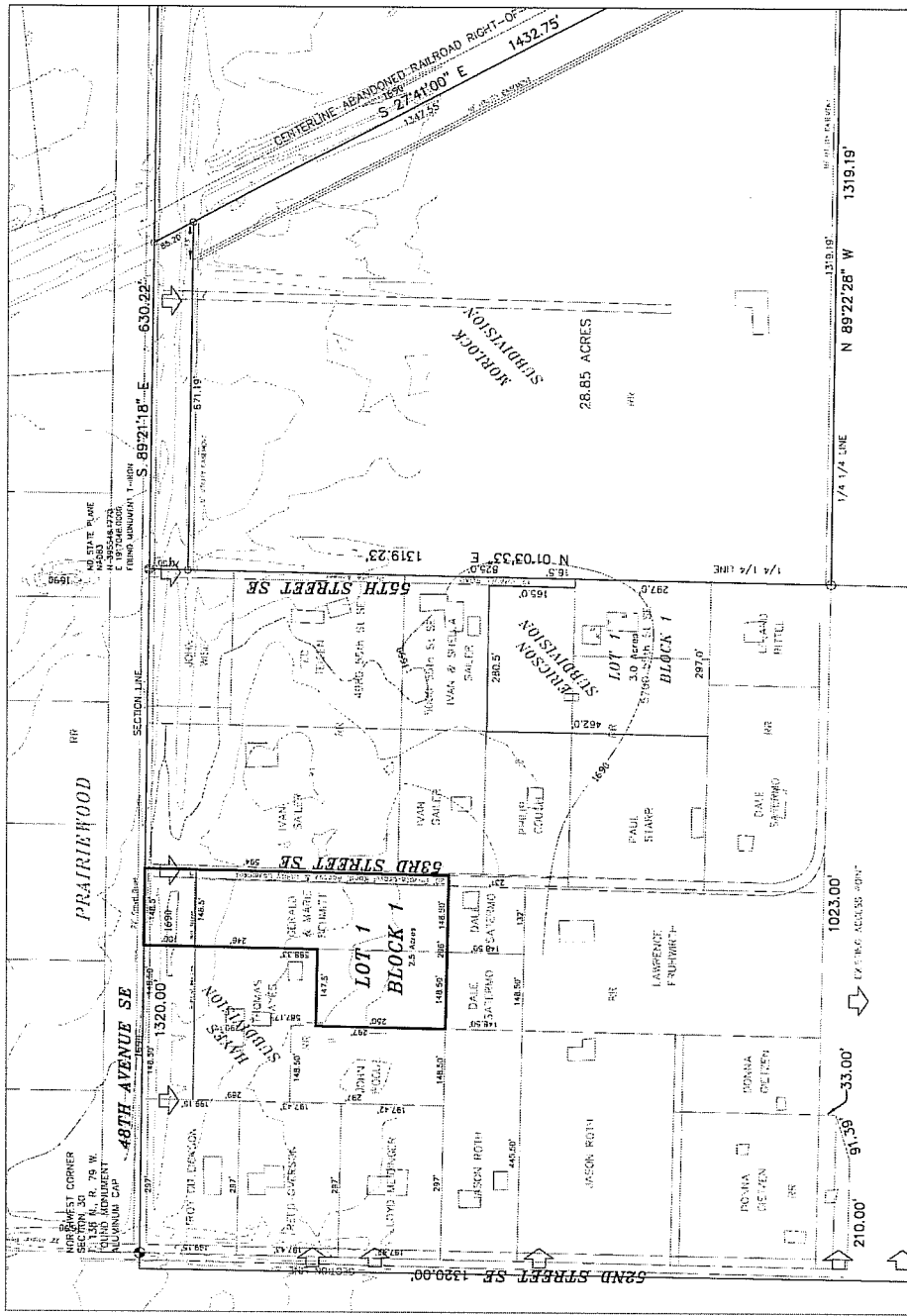


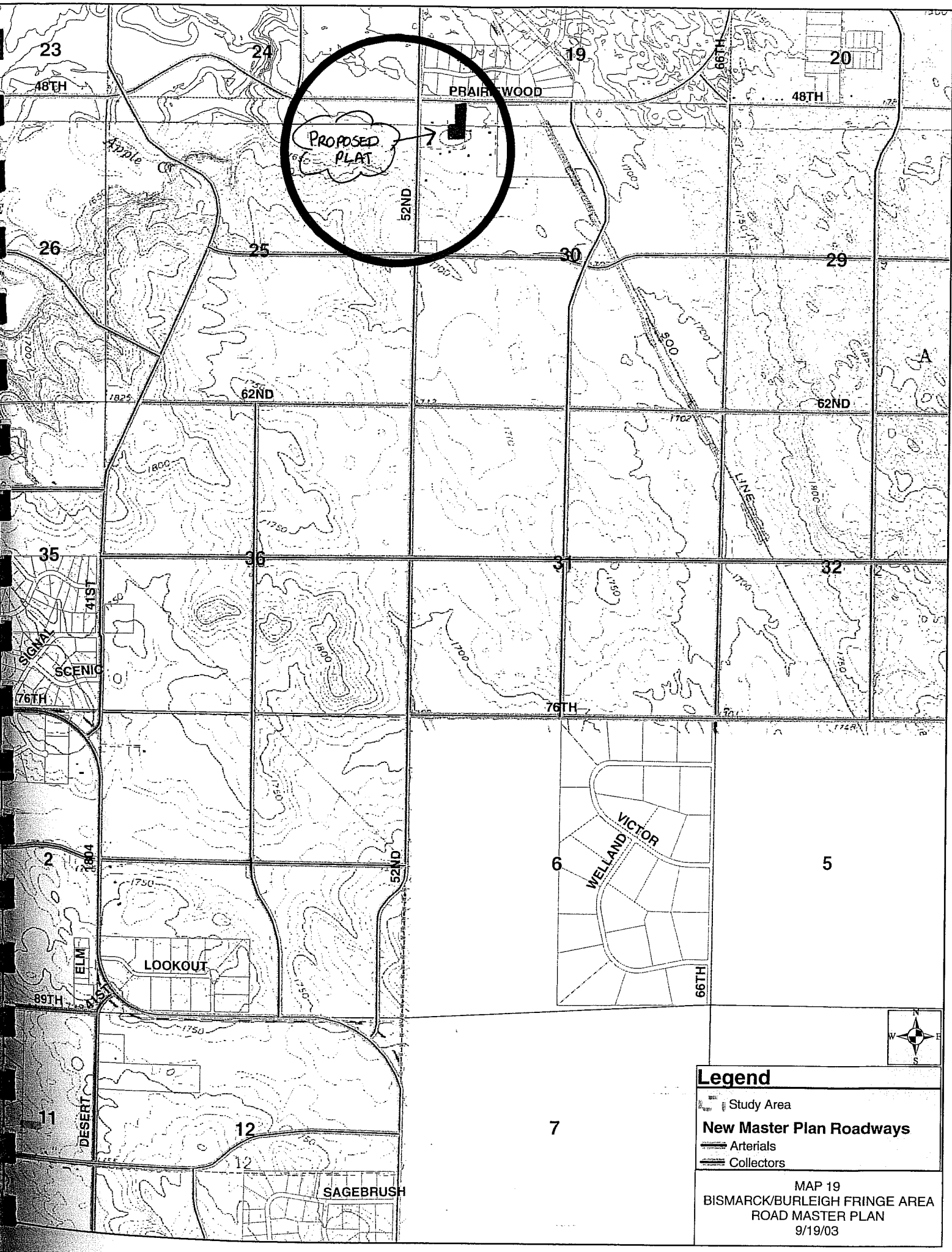
GERALD & MARIE SCHMITT
 4430 PRESTON LOOP
 BISMARCK, ND 58504
 220-2501

EXISTING ZONING GOV'T LOT 1-RR
 TOTAL ACREAGE - 2.86 ACRES
 TOTAL LOTS - 1

Not Within The Urban Service Area

NOTE: THE WATER SERVICE ADJACENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL BE EXTENDED TO THE SOUTH 250' LOT 1 BLOCK 1 HAYES SUBDIVISION. THE CITY OF BISMARCK WILL BE RESPONSIBLE FOR THE EXTENSION OF THE WATER SERVICE TO THE SOUTH 250' LOT 1 BLOCK 1 HAYES SUBDIVISION. THE CITY OF BISMARCK WILL BE RESPONSIBLE FOR THE EXTENSION OF THE WATER SERVICE TO THE SOUTH 250' LOT 1 BLOCK 1 HAYES SUBDIVISION.





Legend

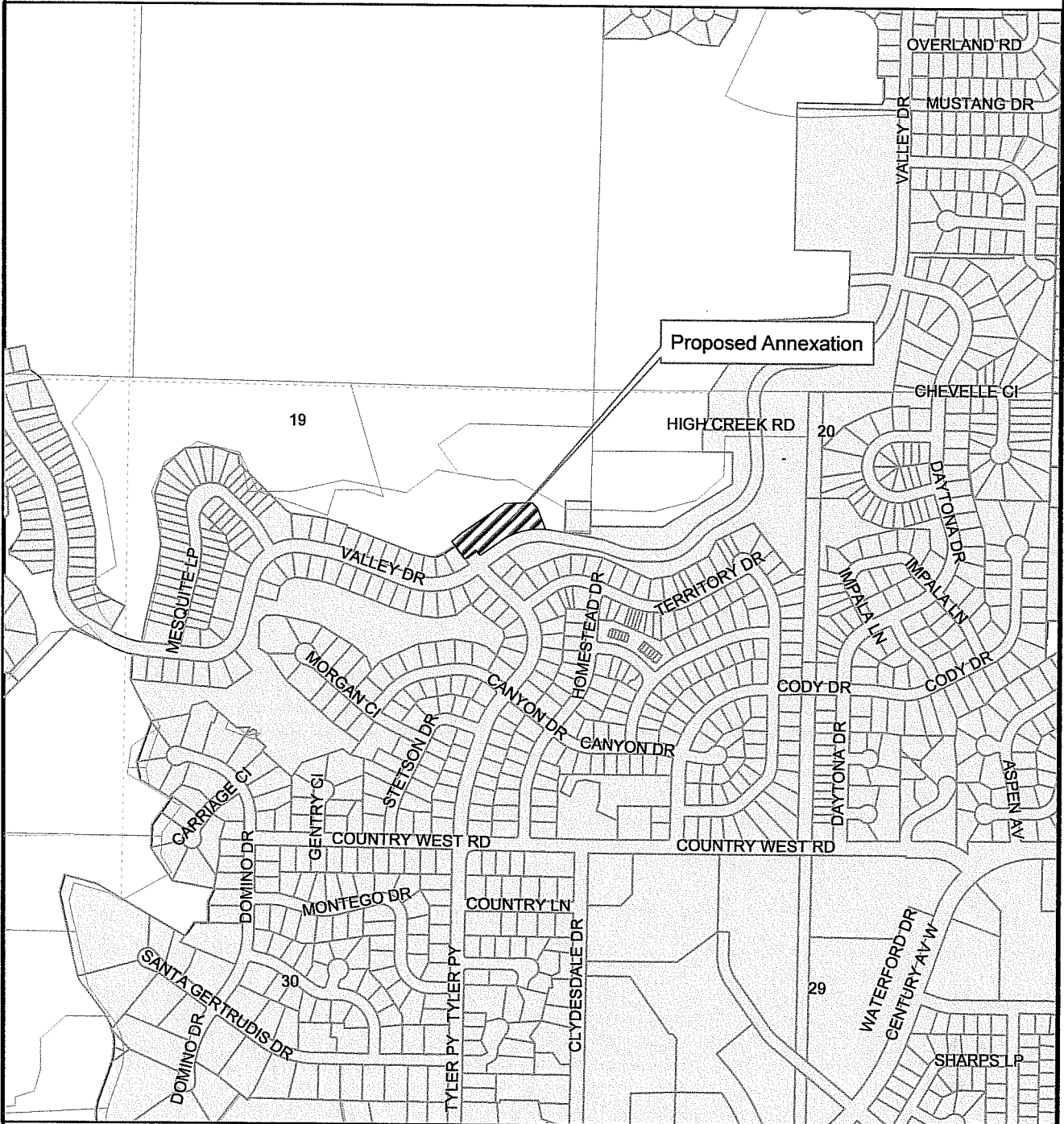
- Study Area
- New Master Plan Roadways**
 - Arterials
 - Collectors

MAP 19
BISMARCK/BURLEIGH FRINGE AREA
ROAD MASTER PLAN
9/19/03

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Country West XXX – Annexation		
Status: Planning Commission – Final Consideration	Date: June 23, 2010	
Owner: C-Family Trust/Clairmont Development Co.	Engineer: Swenson Hagen & Company	
Reason for Request: Develop property for four twinhomes (eight dwelling units).		
Location: Along the north side of Valley Drive at the intersection with Tyler Parkway (part of the SE ¼ of Section 19, T139N-R80W/Hay Creek Township).		
Project Size: 1.66 acres	Number of Lots: 8 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential	Land Use: Two-family residential	
Uses Allowed: Single-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: 5 units/acre	Uses Allowed: Single and two-family residential	
	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 07/98	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
1. Valley Drive is improved adjacent to the proposed plat and utilities are in place.		
FINDINGS:		
1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.		
2. The proposed annexation would not adversely affect property in the vicinity.		
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.		
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the annexation of Country West XXX Addition.		

Proposed Annexation Country West XXX



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 25, 2010 (tdg)

Source: City of Bismarck

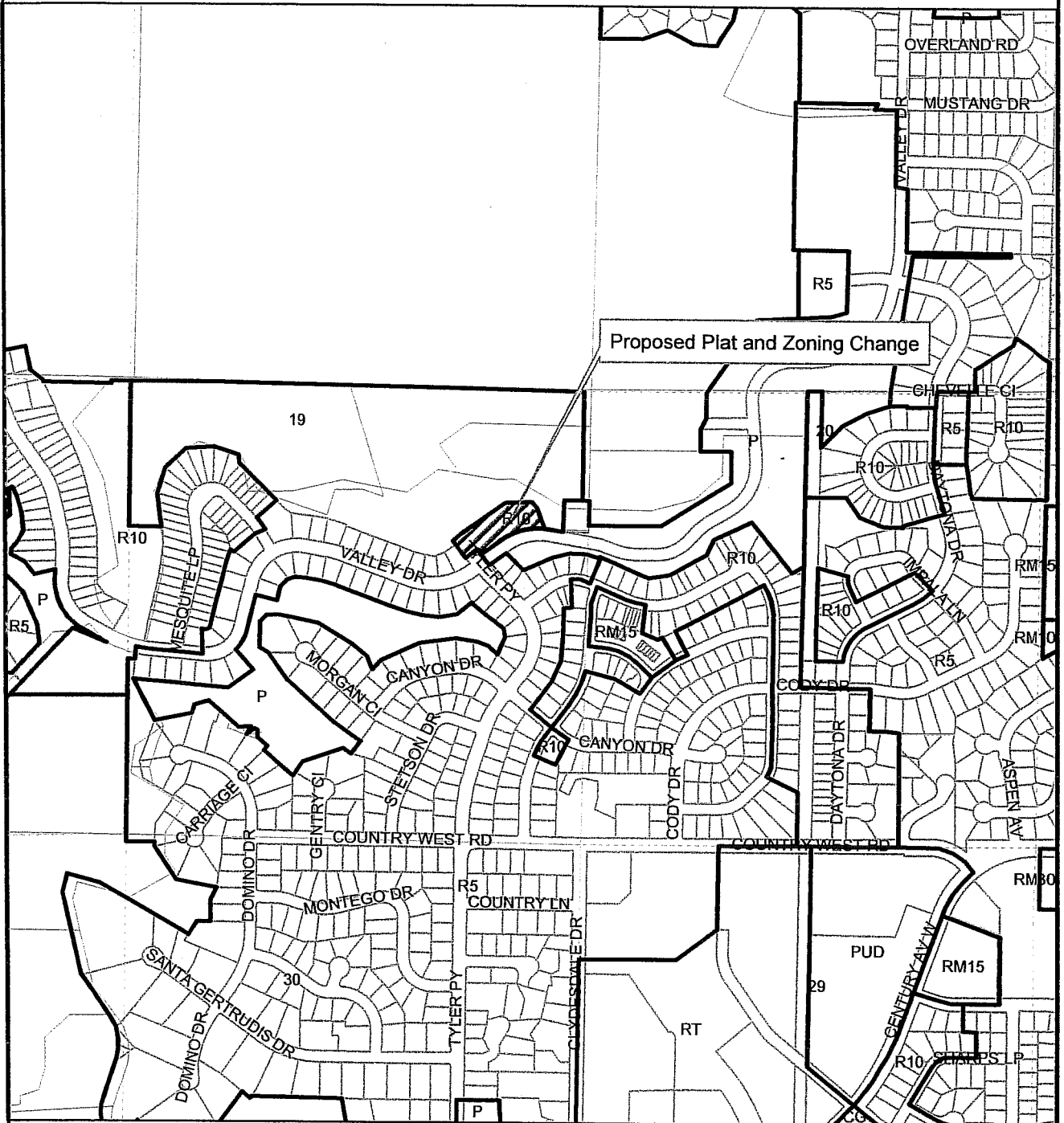


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BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Country West XXX – Zoning Change (R5 to R10)		
Status: Planning Commission – Public Hearing	Date: June 23, 2010	
Owner: C-Family Trust/Clairmont Development Co.	Engineer: Swenson Hagen & Company	
Reason for Request: Develop property for four twinhomes (eight dwelling units).		
Location: Along the north side of Valley Drive at the intersection with Tyler Parkway (part of the SE ¼ of Section 19, T139N-R80W/Hay Creek Township).		
Project Size: 1.66 acres	Number of Lots: 8 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential	Land Use: Two-family residential	
Uses Allowed: Single-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: 5 units/acre	Uses Allowed: Single and two-family residential	
	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 07/98	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies this area as open space adjacent to residential (Bismarck-Mandan Regional Land Use Plan). Given the topography of the property, it is reasonable to allow an administrative amendment to the land use plan to move the dividing line between the two land uses to the north side of the proposed lots. 2. The proposed zoning change is compatible with adjacent land uses. There is single-family residential to the south and west, park property to the east and undeveloped land to the north. 3. The subdivision proposed for this property would be completely annexed prior to development and utilities are already in place in Valley Drive; therefore, the zoning change will not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with all adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the zoning change for Country West XXX Addition from R5 – Residential to R10 – Residential.		

Proposed Plat and Zoning Change (R5 to R10) Country West XXX



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Map was Updated/Created: May 25, 2010 (kdg)

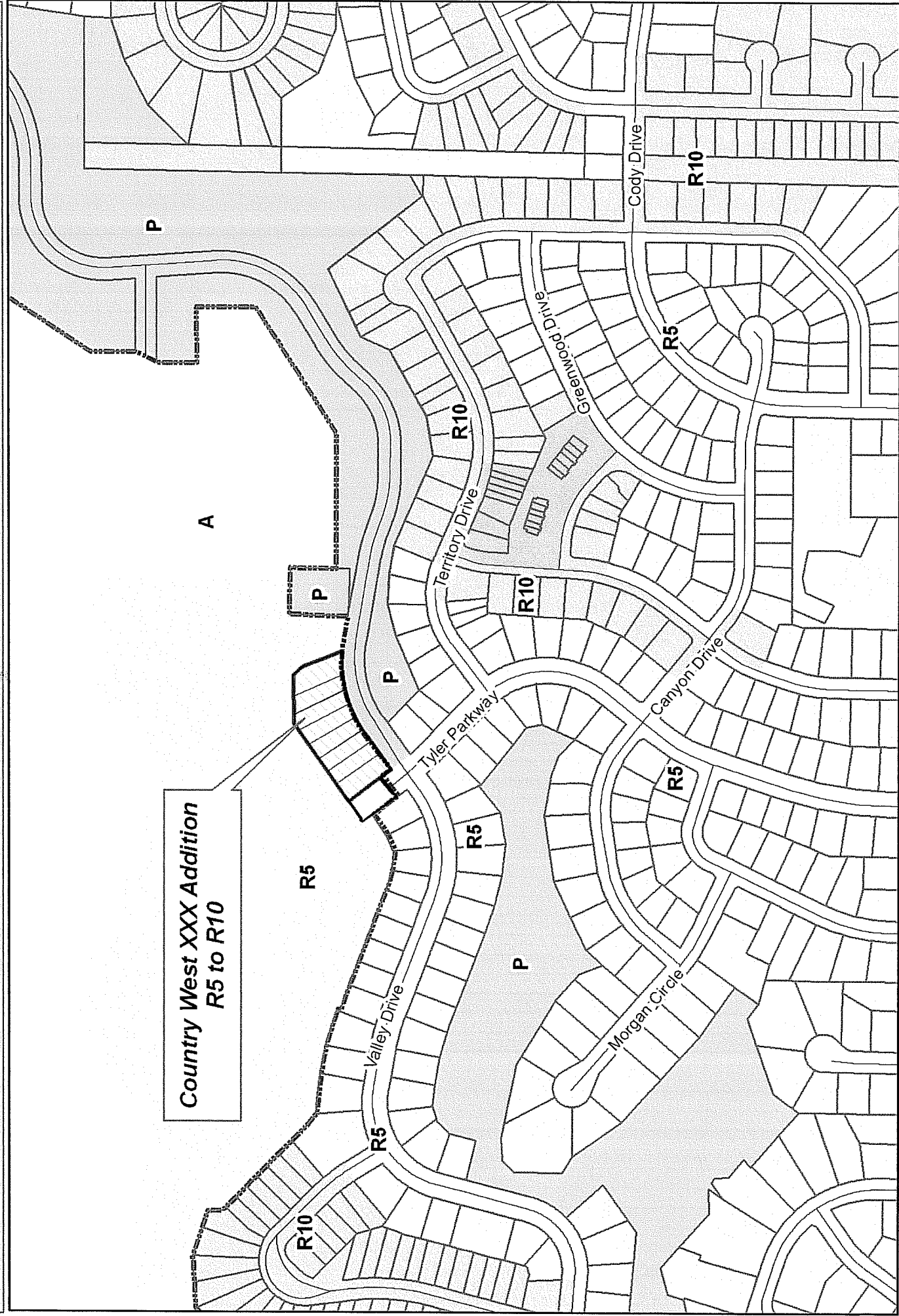
Source: City of Bismarck

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Country West XXX Addition - Zoning Change R5 to R10



BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Country West XXX – Final Plat		
Status: Planning Commission – Public Hearing	Date: June 23, 2010	
Owner: C –Family Trust/Clairmont Development Co.	Engineer: Swenson Hagen & Company	
Reason for Request: Develop property for four twinhomes (eight dwelling units).		
Location: Along the north side of Valley Drive at the intersection with Tyler Parkway (part of the SE¼ of Section 19, T139N-R80W/Hay Creek Township).		
Project Size: 1.66 acres	Number of Lots: 8 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential	Land Use: Two-family residential	
Uses Allowed: Single-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: 5 units/acre	Uses Allowed: Single and two-family residential	
	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 07/98	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
1. The proposed plat has been modified to include the right-of-way for the adjacent Tyler Parkway.		
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a final plat have been met. 2. The proposed subdivision is consistent with the Fringe Area Road Master Plan, which identifies both Valley Drive and Tyler Parkway as collectors. 3. A waiver from the storm water management plan submittal requirements has been approved by the City Engineer. 4. The proposed subdivision is compatible with adjacent land uses. There is single-family residential to the south and west, park property to the east and undeveloped land to the north. 5. The proposed subdivision would be completely annexed prior to development and utilities are already in place in Valley Drive; therefore, the zoning change will not place an undue burden on public services. 6. The proposed subdivision would not adversely affect property in the vicinity. 7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 		

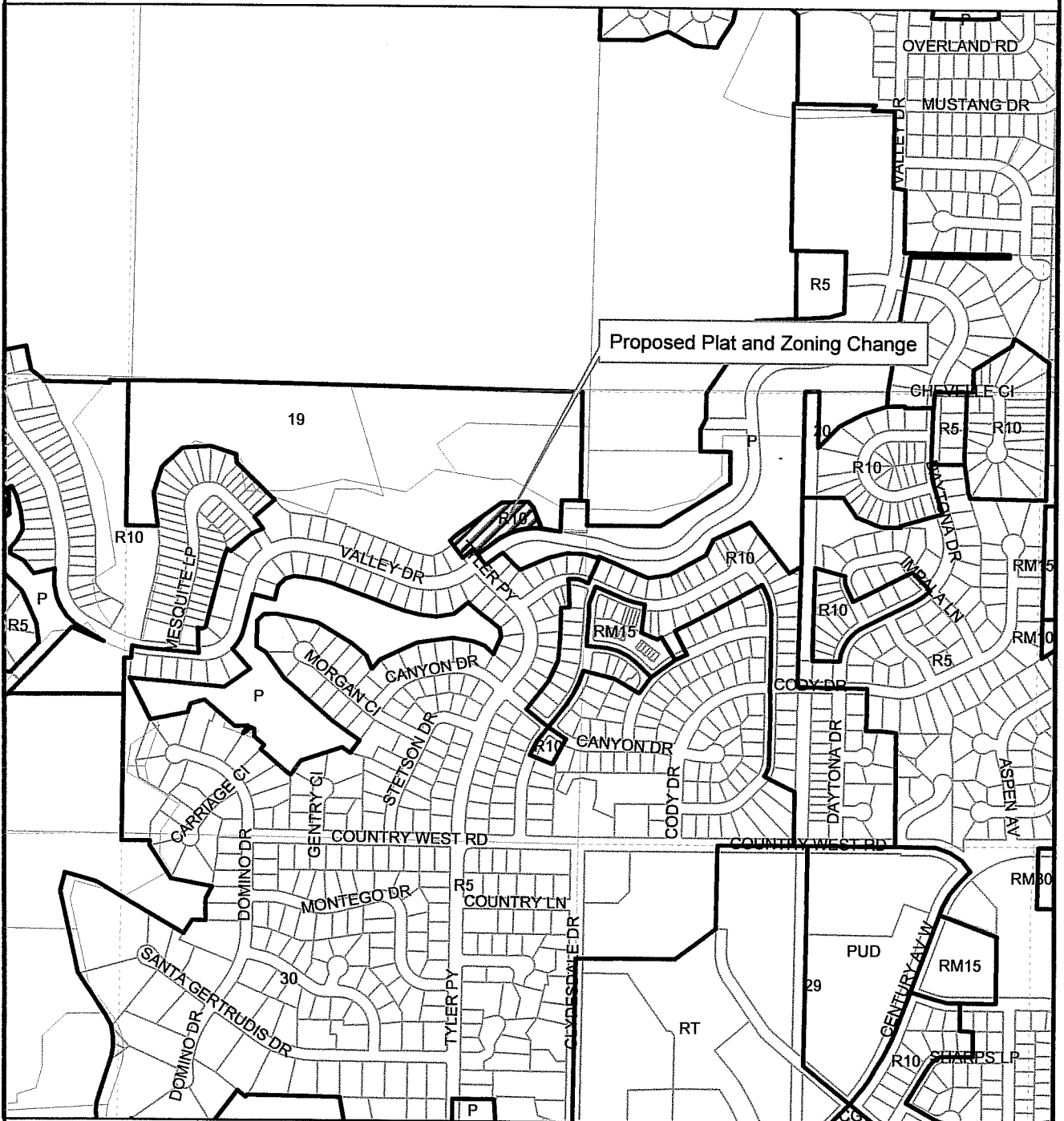
(continued)

8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Country West XXX Addition.

Proposed Plat and Zoning Change (R5 to R10) Country West XXX



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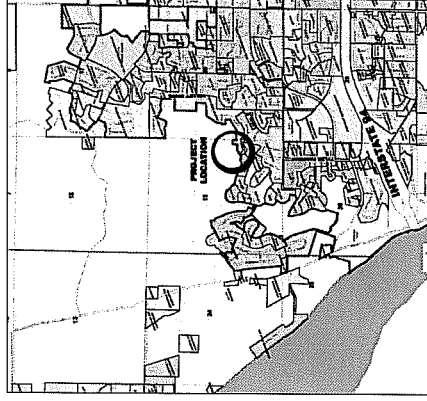
Source: City of Bismarck

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NOTE
Street access will be provided to
lots 1 & 2 shown below.

SWENSON, HAGEN & COMPANY P.C.
1900 Third Avenue
Edmonton, Alberta T6C 0K6
Canada (403) 427-1100
Fax (403) 427-1101

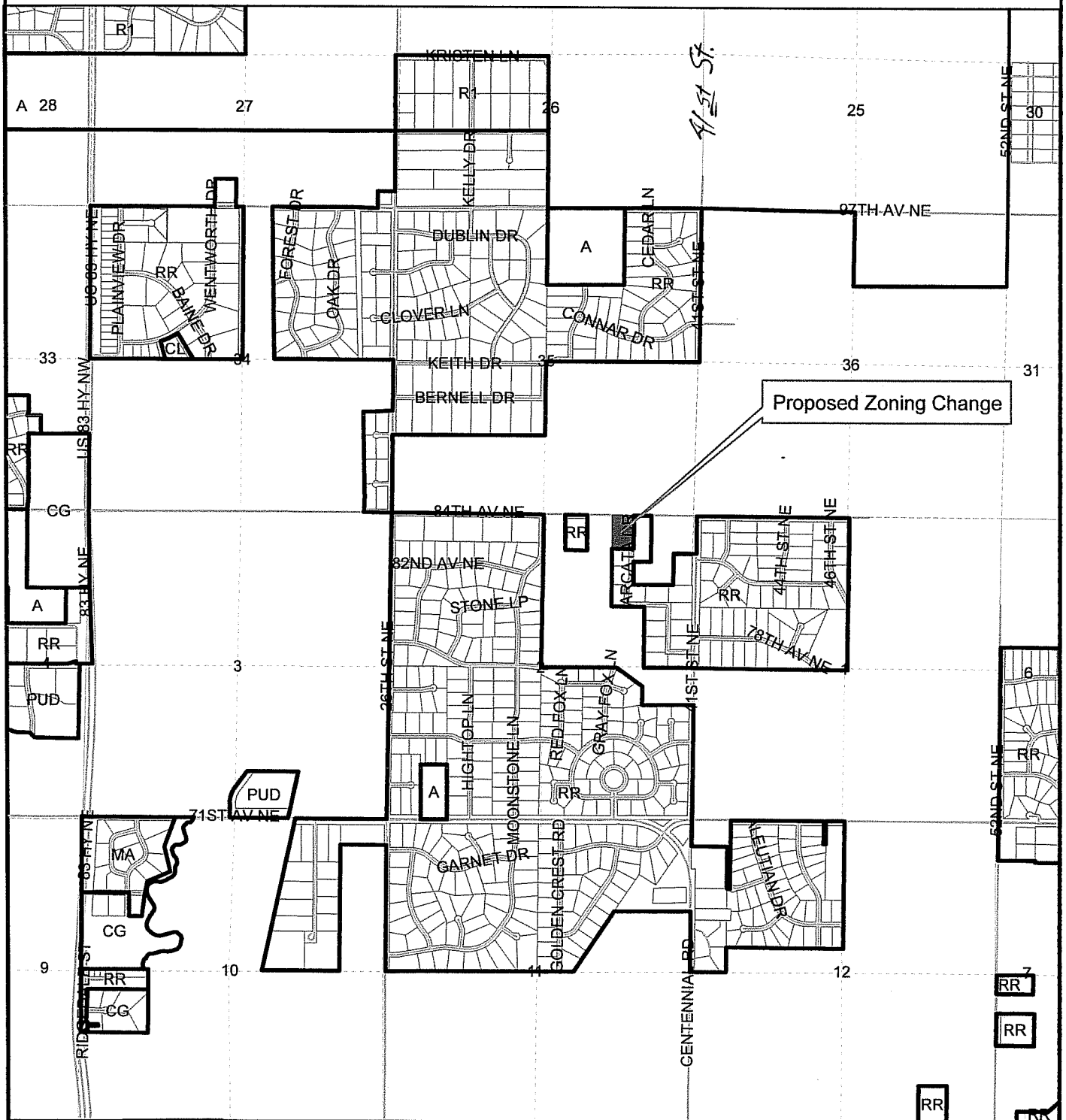
**Lawrence
Hendry
Hart
Cairns & Sie Dwyer
Construction Management**

Document is preliminary and not for construction, recording purposes or implementation

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
Title: Lot A of the NE ¼ of Section 2 in Hay Creek Township – Zoning Change (A to RR)	
Status: Planning Commission – Public Hearing	Date: June 23, 2010
Owner(s): Chris & Roberta Hambrick	Engineer: no engineer
Reason for Request: Currently zoned as A-Agricultural, this 5-acre lot is nonconforming. The minimum lot size in the A-Agricultural Zoning District is 40-acres. A zoning change to RR would make this a conforming lot. The owners received approval of a conditional variance to construct an accessory building. The condition is that this property be rezoned from A-Agricultural to RR-Residential.	
Location: 1¼ miles east of US Highway 83 south of 84 th Avenue NE, along the west side of Arcada Drive (in the NE¼ of Section 2, T139N-R80W/ Hay Creek Township)	
Project Size: 5-acres	Number of Lots: one lot
EXISTING CONDITIONS:	
Land Use: Rural residence	Land Use: Rural residence
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture & large lot residential	Uses Allowed: Residential and limited agriculture
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: 1 unit per 1.5-acres
PROPERTY HISTORY:	
Zoned: N/A	Platted: Unplatted
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include large-lot rural residential to the west, south, and east. The land to the north is undeveloped agricultural. 2. The existing use of this parcel is rural residential. It is served by South Central Regional Water District and has access to 84th Avenue NE; therefore, the zoning change will not place an undue burden on public services. 3. The proposed zoning change would not adversely affect property in the vicinity. 4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance 5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and planning practice. 	
RECOMMENDATION:	
Based on the above findings, staff recommends approval of the zoning change for Lot A of the NE ¼ of Section 2 in Hay Creek Township from A–Agricultural to RR–Residential.	

Proposed Zoning Change (A to RR) Lot A of the NE 1/4 of Sec. 2, T139N-R80W/Hay Creek Twp.

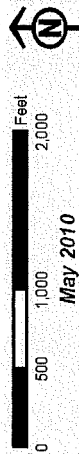
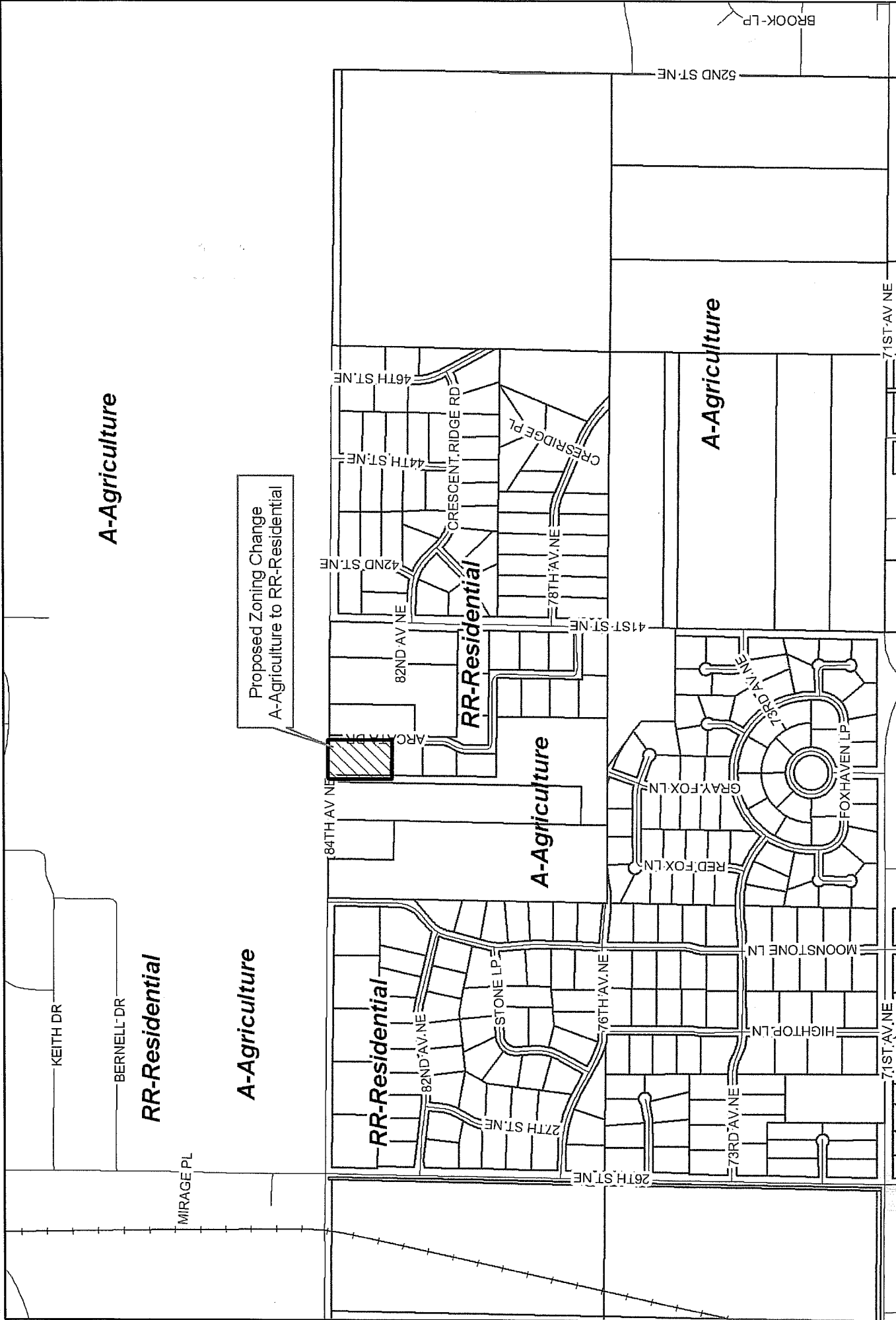


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 Map was Updated/Created: May 3, 2010 (kdg)

Source: City of Bismarck

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Lot A of the NE 1/4 of Sec 2, Hay Creek Township - Zoning Change - A to RR



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BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Lot 8, Block 2, Tibesar's First Addition – Special Use Permit (Day Care Center)		
Status: Planning Commission – Public Hearing	Date: June 23, 2010	
Owner(s): Bob Upgren (Owner) The Enrichment Garden (Applicants)	Engineer: None	
Reason for Request: The applicants wish to obtain approval for a day care facility.		
Location: The property is located at 1911 11 th Street North along the east side of 11 th Street North between Divide and Capitol Avenues (Lot 8, Block 2, Tibesar's First Addition).		
Project Size: 10,500 sf (lot)/3,280 sf (building)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant office building	Land Use: Day care center	
Zoning: CG-Commercial	Zoning: CG-Commercial	
Uses Allowed: General commercial & day-care centers with a special use permit	Uses Allowed: General commercial & day-care centers with a special use permit.	
Maximum Density Allowed: 42 units per acre	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: Pre-1980	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The day care is intended accommodate up to 49 children ranging in age from 0-12 years. 2. The applicants have been working with the Building Official to satisfy all the requirements necessary to meet the guidelines set forth to establish and operate a day-care facility, in particular the appropriate accommodations have been met to allow for adequate outdoor play space for the children, appropriate parking and ADA compliant restroom facilities. 3. Section 14-03-08(4)(r) of the City Code of Ordinances outlines the requirements for a day care center. A copy of this section of the City Code is attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed special use complies with all applicable provision of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance. 2. The proposed special use would not adversely affect the public health, safety and general welfare. 3. The proposed special use would not be detrimental to the use or development of adjacent properties. 4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area. 		
<i>findings continued...</i>		

5. Adequate public facilities and services are in place.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, adequate off-street parking would be provided.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the Special Use Permit to allow the operation of a day care facility at 1911 11th Street North (Lot 8, Block 2, Tibesar's First Addition) with the following conditions:

1. The configuration of the day care facility closely resemble the proposed layout included with the application
2. The number of children allowed to occupy the day care facility be limited to less than 50

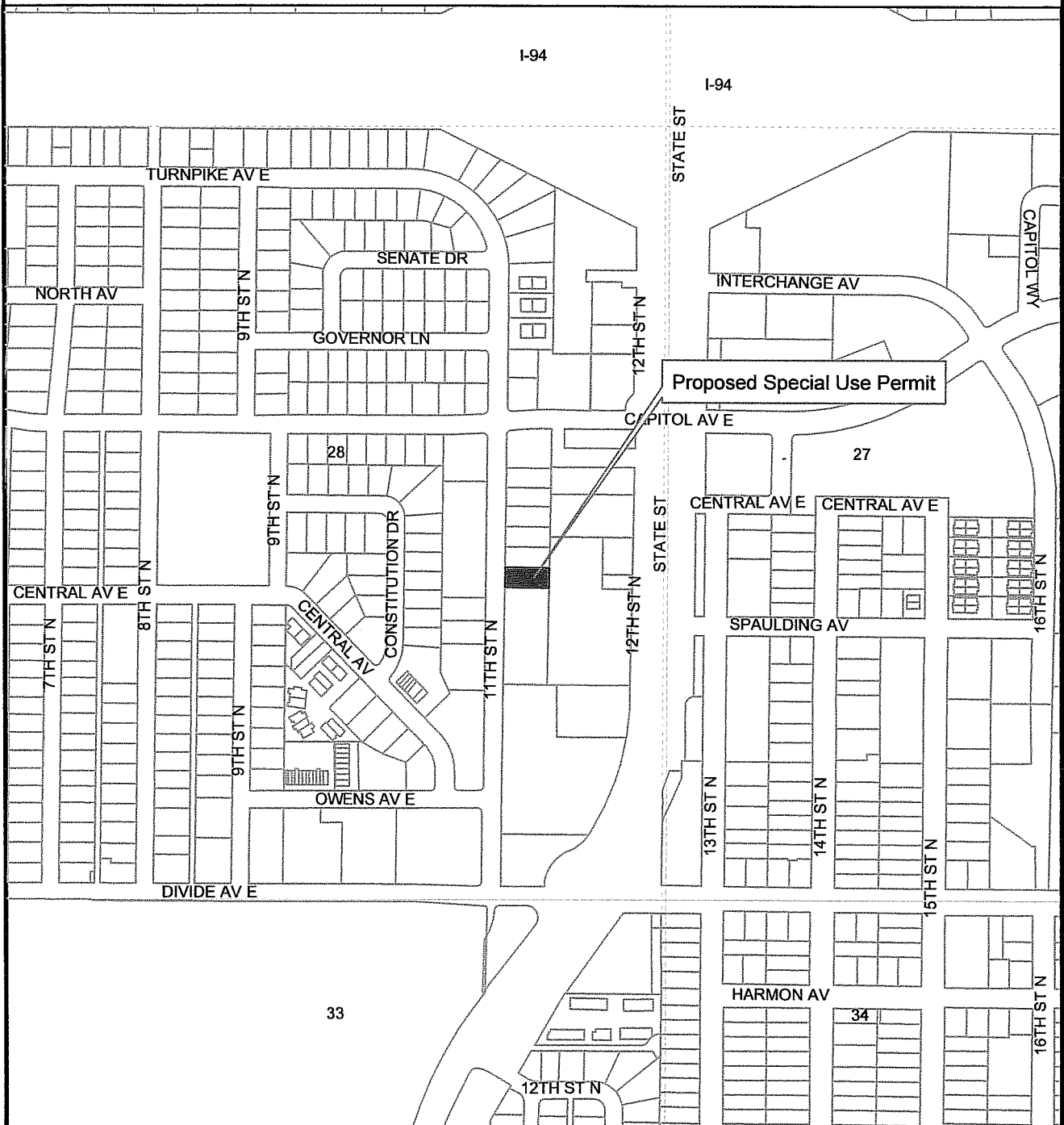
Day-Care Center

14-03-08(4)(r)

r. Day-care Center. Day-care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

- 1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per client. Work areas, office areas, and other areas not designed for use of the clients may not be counted in this computation.
- 2) Each lot shall provide an outdoor recreation area of not less than forty (40) square feet per client. The recreation area shall be fenced and located behind the building setback lines. Recreation areas shall be required only for those clients under twelve (12) years of age.
- 3) Adequate off street parking shall be provided at the following ratio: One space for each two employees and one space for each ten (10) clients.
- 4) Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue.
- 5) Day-care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck.

Proposed Special Use Permit Lot 8, Block 2, Tibesar's First Addition



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Map was Updated/Created: May 26, 2010 (kdg)

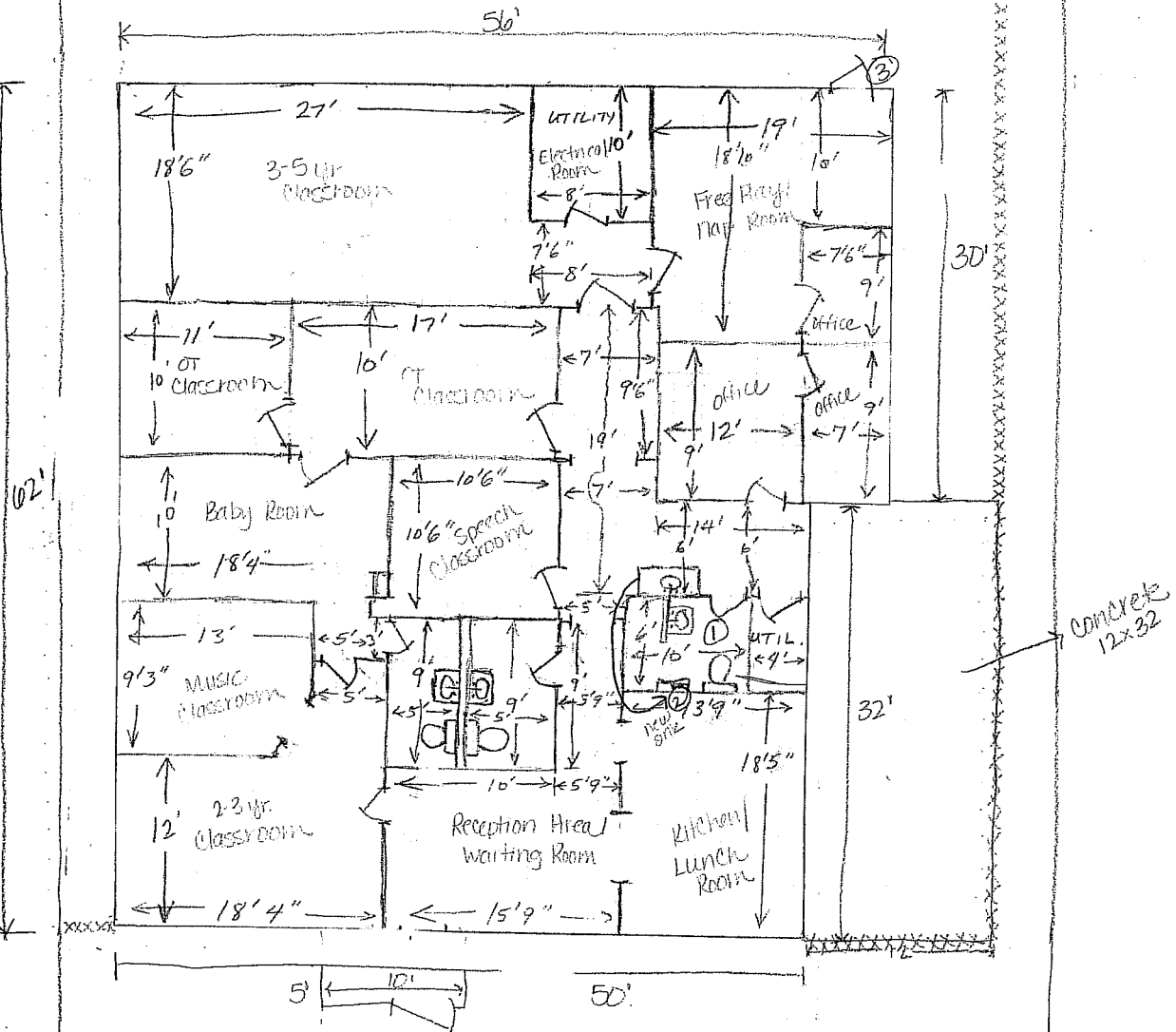
Source: City of Bismarck



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1911 N 11th St
3,280 S.F. Total

Transformer Box
- not to scale?

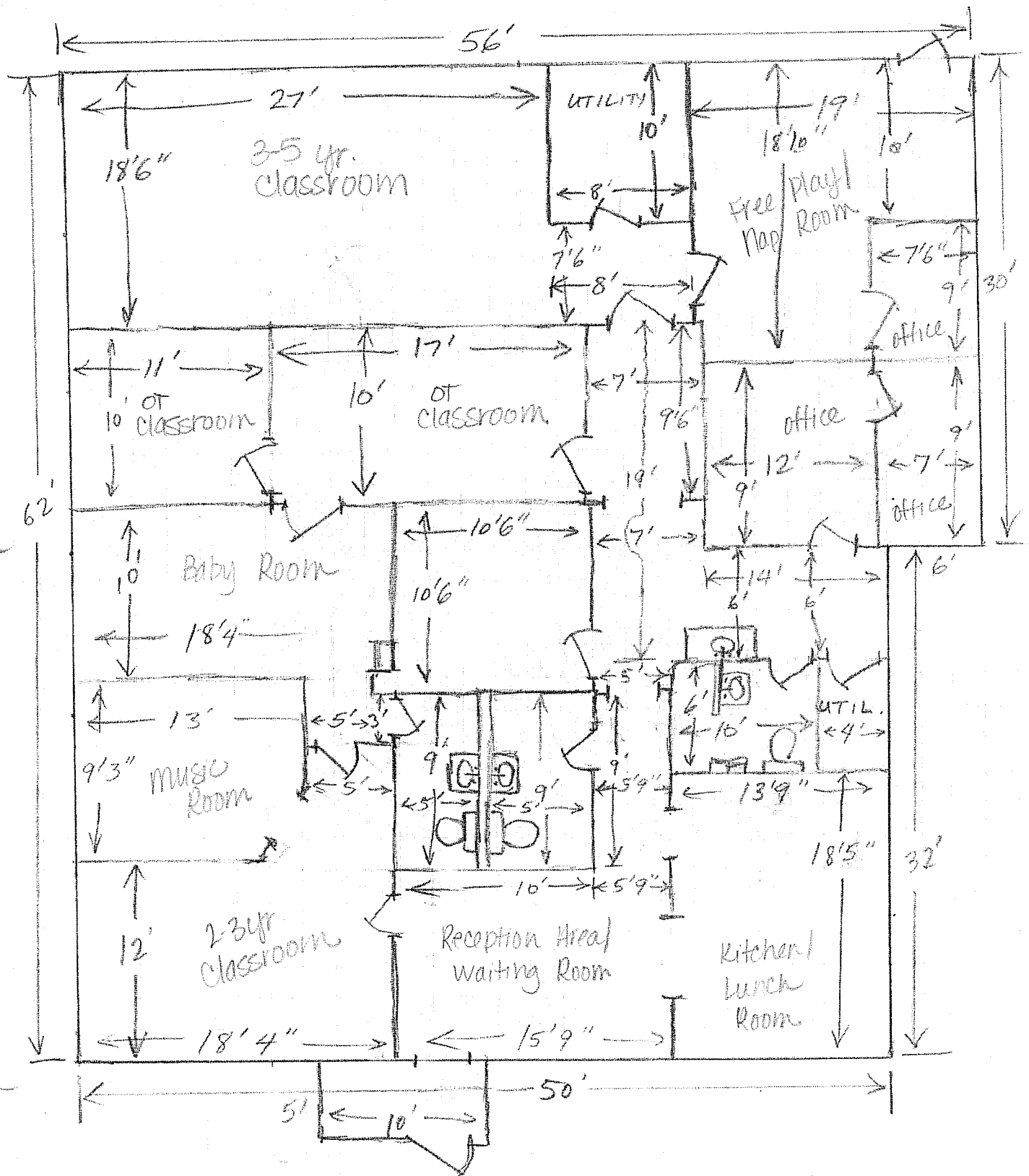


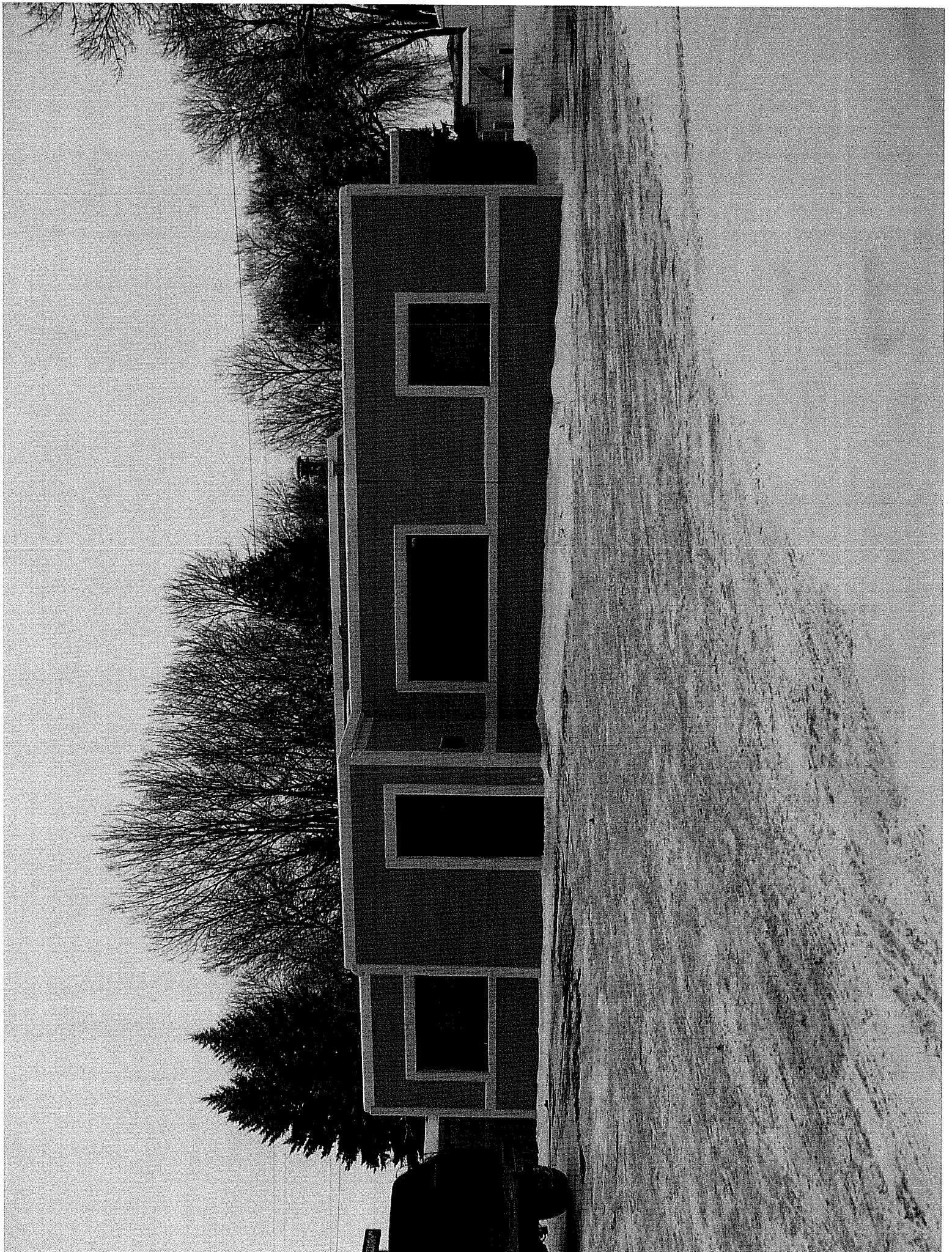
Proposed Chan

Parking Lot

X
(*) SE

1911 N. 11th ST.
3,280 S.F. TOTAL





CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-19 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE FP FLOODPLAIN DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted to read as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

1. Statement of purpose. It is the purpose of this ~~ordinance~~ section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects; and
- c. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;

e. To minimize damage to public facilities and utilities located in special flood hazard areas such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges;

f. To help maintain a stable tax base by providing for the use and development of special flood hazard areas so as to minimize future flood blight areas;

eg. To ensure that potential buyers are notified that property is located in an area of a special flood hazard area-; and

h. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions; and

i. To provide an increased level of protection in anticipation of future increases in the base flood elevation (BFE).

2. Methods of reducing flood losses. In order to accomplish its purposes, this section includes methods and provisions for:

a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood water elevations or flow velocities;

b. Requiring that uses vulnerable to flooding, including attendant utilities and facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or convey flood waters;

d. Controlling filling, grading, dredging, and other development which may increase flood damage; and

e. Preventing or regulating the construction of flood barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards in other areas.

23. Definitions. Unless specifically defined below, words or phrases used in this ordinance section shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance section its most reasonable application.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance section or a request for a variance.

"Attendant utilities and equipment" means utilities, electrical, plumbing, heating, ventilation, and air conditioning equipment, as well as facilities and service associated with new construction.

"Base flood or 100-year flood" means the flood having a one per cent (1%) chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the height of the base flood or 100-year flood, usually in feet above mean sea level, as designated on a FEMA published digital flood insurance rate map (DFIRM) or as determined by the storm water management plan prepared for the area in which the property is located.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Best available data (BAD)" means water elevation information from any source used to estimate or determine the base flood elevation (ie, high water mark).

"Conveyance or hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given location that determines the flow-carrying capacity at that location.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard area.

"Fill" means materials such as soil, gravel, or crushed stone that is placed in an area and increases the ground elevation, whether or not that was the intention.

"Flood or flooding" means a general and temporary condition ~~or~~ of partial or complete inundation of normally dry land areas from:

a. ~~T~~the overflow of inland ~~or tidal~~ waters; and/or

b. ~~T~~the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map" (FIRM) or digital flood insurance rate map (DFIRM)" means the official map on which issued by the Federal Emergency Management Agency (FEMA) has delineated both the areas of where special flood hazards areas and the risk premium zones applicable to the community are designated as Zone A, AE, AO, AH, A1-A30 or A-99.

"Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, the flood ~~boundary-floodway~~ insurance rate map (FIRM), and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to partial or complete inundation by water from any source.

"Floodplain Administrator" means the person designated by the City of Bismarck to administer the City's floodplain ~~district~~ regulations.

"Floodproofing (dry)" means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight to two (2)

feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

"Floodway or regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Letter of map amendment (LOMA)" means an official amendment to the currently effective flood insurance rate map (FIRM) which establishes that a property is not located in a Special Flood Hazard Area. A letter of map amendment (LOMA) is issued by FEMA.

"Letter of map revision (LOMR)" means an official amendment to the currently effective flood insurance rate map (FIRM which is issued by FEMA and changes flood zones, delineations and elevations. A letter of map revision based on fill (LOMR(f)) is a LOMR issued by FEMA based on the placement of fill.

"Lowest floor" means the lowest floor of the lowest enclosed area a structure including the basement and/or crawl space. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable requirements of this ordinance.

"Manufactured home" means a structure that is transportable in one or more sections, which is built on a permanent chassis, and is designed to be used for use with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers placed on a site for more than 180 consecutive days. The term "manufactured home" does not include a recreational vehicle, but does include a mobile home.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance section.

"Non-residential" means any building or structure or portion thereof that is not classified as residential.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal uses. Recreational vehicles include, but are not limited to, travel trailers, trailers on wheels, park-model trailers and other similar vehicles.

"Residential" means:

a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;

b. Residential structures, including but not limited to one and two-family dwellings, multifamily dwellings, group dwellings, bed and breakfast facilities, hotels and motels; and

c. Institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, nursing homes, group homes, congregate care facilities, hospitals, medical centers, jails and detention centers.

"Area of ~~s~~Special flood hazard area (SFHA)" means the an area of land in the floodplain within a community subject to that would be inundated by a flood having a one per cent (1%) or greater chance of flooding of being equaled or exceeded in any given year (100-year flood).

"Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Storage tank" means any closed vessel used to store gases or liquids.

"Storm water management plan" means a document prepared in accordance with the provisions of Title 14.1 of the City Code of Ordinances to evaluate surface water runoff and flood risks within a development, plat or watershed; to document special flood hazard areas; and to determine the systems required to convey or control flood flows within and through the area.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks that is principally above-ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal

or exceed fifty percent (50%) of the assessed value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ~~ordinance~~ section which permits construction in a manner that would otherwise be prohibited by this ~~ordinance~~ section.

34. General provisions.

a. Jurisdiction. ~~The jurisdiction of t~~This ordinance (section) shall apply to all special flood hazard areas within the jurisdiction of the City of Bismarck, includ~~esing~~ing all lands within the corporate limits of the City of Bismarck and the extraterritorial jurisdiction as provided for in Section 40-47-01.1 of the North Dakota Century Code, including areas specifically included in the jurisdiction of the City of Bismarck through agreement as approved by the Board of City Commissioners that would be inundated by a 100-year flood.

b. Basis for establishing the ~~areas of~~ special flood hazard areas. ~~The areas of special flood hazard areas~~ identified by the Federal Emergency Management Agency (FEMA) in a

scientific and engineering report titled "The Flood Insurance Study for Burleigh County, North Dakota and Incorporated Areas", dated July 19, 2005, with an accompanying flood insurance rate map (FIRM), and as subsequently updated by any Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) and/or Letter of Map Revision Based on Fill (LOMR(f) issued by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference and declared to be a part of this ordinance section. The Flood Insurance Study (FIS) is on file in the office of the Floodplain Administrator. Special flood hazard areas may also be designated in a storm water management plan prepared for a development, plat or watershed.

c. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance section and other applicable regulations, unless a valid building permit was in place prior to (the effective date of this ordinance).

d. Greater restrictions. This section is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this section and another section of the City Code of Ordinances, an easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

e. Interpretation. In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the City of Bismarck; and

3. Deemed neither to limit or repeal any other powers granted to the City under

the North Dakota Century Code or the Home Rule Charter for the City of Bismarck.

df. Warning and disclaimer of liability. The degree of flood protection required by this ordinance section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance section does not imply that land outside the areas of special flood hazards areas or uses permitted withoutin such areas will be free from flooding or flood damages. This ordinance section shall not create liability on the part of the City of Bismarck, any officer or employee thereof, or the Federal Emergency Management Agency (FEMA) for any flood damages that result from reliance on this ordinance section or any administrative decision lawfully made there under.

~~e. District boundaries. The boundaries of the floodplain and floodway districts shall be as they appear on the zoning map on file in the office of the Director of Community Development. Compliance with provisions of this ordinance (section) shall not be grounds for the removal of lands from the floodplain district. All areas of diking shall be constructed at least two feet above the 100-year floodplain level. (eliminated)~~

~~f. Establishment of building permit. A building permit shall be obtained before construction or development begins within any area of special flood hazard established herein. Application for a building permit shall be made on forms provided and shall be accompanied by any reasonable supporting material as may be requested by the office of building inspection. (eliminated)~~

~~g. Use of other base flood data. When base flood elevation data has not been provided in accordance with subsection (3) (b), Basis for establishing the areas of special flood hazard, the Floodplain Administrator shall obtain,~~

~~review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this ordinance in accordance with its purpose and intent.~~(moved to Section 5)

~~h. Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.~~(moved to Section 5)

~~i. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. All variances shall be issued by the board of adjustment.~~(moved to Section 7(h))

~~jg. Letter of Map Revision (LOMR). Development on any parcel for which a Letter of Map Revision (LOMR) has been issued shall comply with all of the requirements and recommendations as contained therein.~~

45. Establishment of development permit Administration.

a. Establishment of a development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard area established in subsection 4(b) (basis for establishing the special flood hazard areas). Application for a development permit shall be made on forms furnished by the Floodplain Administrator who ~~will administer this ordinance and issue all permits hereunder.~~ Application and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location,

dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basements and/or crawl spaces) of all structures;

2. Elevation in relation to mean sea level (NAVD88) to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in subsection 6(b)(2) (nonresidential construction); and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Establishment of a non-structural development permit. A non-structural development permit shall be obtained before any land disturbing activity begins within any special flood hazard area established in subsection 4(b)(basis for establishing the special flood hazard areas). Application for a non-structural development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; proposed elevations upon completion of the land disturbing activity; the type of fill being used, if fill is proposed; and a description of the extent to which any watercourse will be altered or relocated as a result of proposed land disturbing activity.

c. Designation of the Floodplain Administrator. The Building Official is hereby

appointed to administer and implement this section by granting or denying development permit and non-structural development permit applications in accordance with its provisions.

4d. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Permit application review:

1a. Review all development permits applications and non-structural development permits applications to determine that the permit requirements of this ordinance section have been satisfied.

2b. Review all development permits applications and non-structural development permits applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

3c. Review all development permits applications and non-structural development permits applications to determine if the proposed development or land disturbing activity is located in the floodway. If located in the floodway, assure that the encroachment provisions of this ordinance section are met.

e.2. Use of other base flood data. When base flood elevation data has not been provided in accordance with subsection 4 (b) (basis for establishing the special flood hazard areas), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available (known as best available data(BAD)) from a federal, state or other source, as criteria for requiring that new construction,

substantial improvements, or other development in the floodplain are administered in accordance with subsection 6(b) (specific standards).

3. Information to be obtained and maintained:

1a. Obtain and record the actual elevation (in relation to mean sea level in NAVD88) of the lowest floor (including basement and/or crawl space) of all new or substantially improved structures, and whether or not the structure contains a basement and/or crawl space.

2b. For all new or substantially improved floodproofed structures:

Ai. Verify Obtain and record the actual elevation (in relation to mean sea level in NAVD88) to which the structure has been floodproofed; and

bii. Maintain the floodproofing certifications required hereunder in subsection 5(a)(3).

c. Maintain for public inspection all records pertaining to the provisions of this section.

4. Alteration of watercourses. In case of alteration of watercourses, The Floodplain Administrator will shall:

1a. Notify adjacent nearby communities, water resource districts, and the North Dakota sState eEngineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

2b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished; and

c. Notify the appropriate water resource district prior to removal or placement of fill within two hundred (200) feet of the ~~bank~~ ordinary high water mark of a body of water during normal flow or stage.

5. Interpretation of flood insurance rate map (FIRM) or digital flood insurance rate map (DFIRM) boundaries. Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 7 (variance procedure). The floodplain administrator may require information be submitted by a registered land surveyor.

56. Provisions for flood hazard reduction.

a. General standards. In all areas ~~of special flood hazards~~ areas the following standards are required:

1. Anchoring:

a. All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must be elevated and anchored to

resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable ~~S~~state and local anchoring requirements for resisting wind forces.

2. Construction materials and methods:-

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

b. All new construction and substantial improvements shall be constructed ~~utilizing~~ using methods and practices that minimize flood damage-; and

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Such facilities shall be located in areas that have been elevated on fill and/or a permanent foundation to at least two (2) feet above the base flood elevation for residential structures and manufactured homes.

3. Utilities:-

a. All new and replacement water supply systems shall be

designed to minimize or eliminate infiltration of flood waters into the system-;

b. All New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

c. All new and replacement On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision proposals-;

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments. Elevation data must be provided in NAVD88 for areas with a flood insurance rate map (FIRM) or other base flood elevation data in that datum.

b. Specific standards. In all areas of special flood hazards areas where base flood elevation data has have been provided as set forth in subsection 4(b)(basis for establishing the special flood hazard areas) or subsection 5(d)(2)(use of other base flood data), the following provisions are required:-:

1. Residential construction:-. New Construction and substantial improvement of any residential structure shall have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to a minimum of one (1) ~~foot~~ at least two (2) feet above the base flood elevation, and shall:-.

a) ~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting requirement must either be certified by registered professional engineer or architect or must meet or exceed the following minimum criteria:-~~

i. ~~A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;~~

ii. ~~The bottom of all openings shall be no higher than one foot above grade;~~

iii. ~~Openings may be equipped with screens, louvers, or other coverings or devices provided that~~

~~they permit the automatic entry and exit of floodwaters.~~

2. Nonresidential construction. Construction and substantial improvement of any ~~commercial, industrial or other~~ nonresidential structure shall either have the lowest floor, including basement and/or crawl space, elevated on fill and/or a permanent foundation to a minimum of one (1) foot at least two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed to at least two (2) feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. ~~Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting requirement must either be certified by registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

i. ~~A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;~~

ii. ~~The bottom of all openings shall be no higher than one (1) foot above grade;~~

~~iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and~~

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the ~~permitting official~~ Floodplain Administrator as set forth in subsection 5(d)(3) (information to be obtained and maintained).

3. Manufactured homes.

a. Manufactured homes shall be anchored in accordance with ~~this~~ subsection 6(a)(1) (anchoring).

b. All manufactured homes or those to be substantially improved shall be ~~elevated on compacted fill such that on a permanent foundation, have the lowest floor of the manufactured home is elevated on fill and/or a permanent foundation a minimum of one (1) foot to at least two (2) feet above the base flood elevation, and is be~~ securely anchored as specified elsewhere in this section to an adequately anchored foundation system.

4. Attached garages, decks and landings providing primary access, and accessory buildings.

a. Garages attached to any residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it is attached.

b. Decks and landings providing access to the primary entrance of a residential structure, non-residential structure or manufactured home shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which is provides access.

c. Accessory buildings over one hundred twenty (120) square feet in area for residential structures, non-residential structures and manufactured homes shall be subject to the same construction requirements as the residential structure, non-residential structure or manufactured home to which it is accessory.

4c. Floodways. Floodways are designated areas located within areas of the special flood hazard areas established in subsection 4(b) (basis for establishing the special flood hazard areas). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b2. If the preceding subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ordinance subsection 6 (provisions for flood hazard reduction).

7. Variance procedure.

a. Board of Adjustment. The Board of Adjustment, as established in Chapter 14-06 of the City Code of Ordinances (Board of Adjustment), shall hear and decide appeals and requests for variances from the requirements of this section.

b. Appeals. An appeal may be filed by any person, firm or corporation aggrieved, or by any governmental officer, department or board affected by any decision or determination made by the Floodplain Administrator in the enforcement or administration of this section, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).

c. Variances. An application for a variance may be made by any person, firm or corporation with a legal interest in the property for which the variance is being sought, in accordance with the provisions of Sections 14-06-02 (Powers and Duties) and 14-06-03 (Appeal Procedures).

d. In considering appeals and variance applications, and in addition to the requirements outlined in Section 14-06-02 (Powers and Duties), the Board of Adjustment shall consider all technical evaluations, all relevant factors, and the standards specified in this section, including:

1. The danger to life and property due to flooding or erosion damage;

2. The danger that materials may be swept onto other lands to the injury of others;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with the existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. Upon consideration of the factors of in subsection(7)(d) and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of a variance as it deems necessary to further the purpose of this section.

f. Conditions for variances.

1. Variances may be issued for the reconstruction, rehabilitation, or

restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this subsection.

2. Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

g. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation ~~below~~ lower than two (2) above the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

h. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency (FEMA) upon request.

8. Penalties for Violations. Penalties for violation of this section shall be in accordance with the provisions of Chapter 14-05 (Enforcement) of the City Code of Ordinances.

(Ord. 4137, 5-26-87; Ord. 4737, 11-14-95; Ord. 4948, 10-13-98; Ord. 5037, 03-14-00; Ord. 5259, 05-27-2003; Ord. 5423, 05-24-05; Ord. 5728, 05-26-09)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
May 26, 2010

The Bismarck Planning & Zoning Commission met on May 26, 2010, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Mel Bullinger, Jo Conmy, Jack Hegedus, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioner Curt Juhala was absent.

Staff members present were Carl Hokenstad – Director of Community Development, Gregg Greenquist – Planner, Kim Lee – Planning Manager, Jason Tomanek – Planner, Kimberley Gaffrey– Office Assistant III and Charlie Whitman – City Attorney.

Others present were Kurt Chaffee – 3200 North 11th Street, Linda Betzloft – 3706 Augusta Way and Dave Patience – 909 Basin Avenue.

MINUTES

Chairman Yeager called for consideration of the minutes of the April 28, 2010 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the April 28, 2010 meeting as received. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Conmy, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION – ZONING CHANGE FROM A-AGRICULTURAL TO RR-RESIDENTIAL – LOT A OF THE NE1/4 OF SECTION 2, T139N-R80W/HAY CREEK TOWNSHIP

Chairman Yeager called for consideration of the following consent agenda items:

A zoning change from A-Agricultural zoning district to RR-Residential zoning district for Lot A of the NE1/4 of Section 2, T139N-R80W/Hay Creek Township. The property is 1 lot on 5 acres located 1-3/4 miles east of US Hwy 83 on the south side of 84th Avenue NE, along the west side of Arcada Drive (in the NE¼ of Section 2, T139N-R80W/ Hay Creek Township).

MOTION: Commissioner Hegedus made a motion to approve the consent agenda. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Conmy, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – EDGEWOOD VILLAGE FIRST ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing for the minor subdivision final plat for Edgewood Village First Addition First Replat. The property is located east of 19th Street North along the north side of Calgary Avenue (replat of Lots A-F of Lots 46-49, Block 2, Edgewood First Addition in the NW1/4 of Section 22, T139N-R80W/Hay Creek Township).

Ms. Lee provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. A waiver from the storm water management plan requirement has been granted by the City Engineer.
3. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include developing R10-zoned property to the north, east and west and developing R5-zoned property to the south across Calgary Avenue.
4. The proposed subdivision is already annexed and utilities are in place in Calgary Avenue.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the minor subdivision final plat for Edgewood Village First Addition First Replat, with the understanding that a notice for driveway locations be added to the face of the plat indicating “the maximum driveway width allowed shall be 24 feet, excluding flares of the driveway, and driveways shall not be placed side-by-side unless necessary because of terrain”. She added that the applicant is concerned with the language of the recommended plat note and would prefer that the standard plat note for driveways be used.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Edgewood Village First Addition First Replat.

Dave Patience with Swenson, Hagen & Co said that the developer originally spoke with the City Traffic Engineer and there were no issues with the proposed plan, so the developer purchased the property and is confused why the issues with the driveways came up later. Mr. Patience stated that the developer is concerned because two driveways must be side by side and show up in the plan that way. He went on to say that he told the developer that when this happens there is a note

on the face of the plat that reads “the driveways are subject to approval by the office of the City Engineer” and that is the preferred language.

Linda Retzloft said she lives on the corner of Calgary Avenue and 19th Street and is concerned about her property value and wants to know what the cottages will be valued at. Mr. Patience responded by saying the plan proposes six single family units, so they should be valued around the same as the other properties in the area.

Chairman Yeager closed the public hearing.

Commissioner Warford would like to know staff’s thoughts on the wording on the face of the plat proposed by Mr. Patience. Ms. Lee answered by saying the language included in the staff report was approved by the City Traffic Engineer, however, before the plat is presented to the Board of City Commissioners, the language can be reviewed again.

Commissioner Bullinger commented that the reason the language is worded the way it is, is because there is a concern during the winter and snow plowing season. The Engineering Department wants to ensure there is enough room to deposit all the snow and it can become difficult when there are too many back to back driveways. Commissioner Bullinger concluded by saying the Traffic Engineer should not have a problem with the two proposed driveways in the plan and the language proposed by Mr. Patience on the plat.

MOTION: Based on the findings contained in the staff reports, Commissioner Armstrong made a motion to approve the minor subdivision final plat for Edgewood Village First Addition First Replat, with the understanding that the standard plat note for driveway locations be added to the face of the plat (the location and width of driveways on Calgary Avenue shall be as approved by the City Engineer during the site plan approval process). Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Conmy, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT FOR LOTS 1 & 2 AND THE WEST 40 FEET OF VACATED 11TH STREET ADJACENT TO LOT 1, BLOCK 4, CENTURY COMMERCIAL PARK

Chairman Yeager called for the public hearing for special use permit to allow a day care facility for Lots 1 & 2 and the west 40 feet of the vacated 11th Street right-of-way adjacent to Lot 1, Block 4, Century Commercial Park. The property is located at 3200 11th Street North along the north side of Weiss Avenue just east of 10th Street North (Lots 1 & 2 and the west 40 feet of the vacated 11th Street right-of-way adjacent to Lot 1, Block 4, Century Commercial Park).

Mr. Tomanek provided an overview of the requests and listed the following findings for the special use permit:

1. The proposed special use complies with all applicable provision of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, on-street parking is limited to Sundays only.

Mr. Tomanek also provided the following additional information:

1. The day care is intended accommodate 30-40 children ranging in age from 0-12 years.
2. The applicants have been working with the Building Official to satisfy all the requirements necessary to meet the guidelines set forth to establish and operate a day care facility, in particular the appropriate accommodations have been met to allow for adequate outdoor play space for the children.
3. The City Traffic Engineer has expressed concerns over the proposed use, citing the additional traffic volumes in an already congested area may exacerbate the current situation.
4. Section 14-03-08(4)(r) of the City Code of Ordinances outlines the requirements for a day care center. A copy of this section of the City Code is attached.

Mr. Tomanek then read the letter received from Menard, Inc. attached as Exhibit A.

Mr. Tomanek said that based on the above findings, staff recommends approval of the special use permit to allow the operation of a day care facility on Lots 1 & 2 and the west 40 feet of the vacated 11th Street right-of-way adjacent to Lot 1, Block 4, Century Commercial Park, with the following conditions: 1) occupancy of the facility shall generally conform with the site configuration submitted with the application; and 2) the number of clients shall be limited to no more than 50, with the understanding that any increase over 50 shall require an amendment to the special use permit.

Commissioner Armstrong asked if there are signs on the street that say “no parking except on Sundays?” Mr. Tomanek answered by saying yes.

Commissioner Hegedus inquired if there is adequate room for the unloading and loading of the children. Mr. Tomanek said the flow of traffic will be to enter the parking lot from Weiss Avenue and the parking lot is structured to create a circular flow of traffic. Mr. Chaffee from New Song Church, stated that the only doors to the day care are located in the parking lot right off of Weiss Avenue.

Commissioner Bullinger asked if the parking is adequate when there are other church functions. Mr. Chaffee answered by saying the day care will always have priority over all other church functions.

Commissioner Bullinger asked how the day care plans to accommodate 30-40 children when each child requires 40 square feet of outdoor recreation area. Mr. Tomanek said, according to the Building Official and Burleigh County Social Services, the way to accommodate undersized outdoor recreational areas, is to have the children go outdoors in different shifts.

Chairman Yeager opened the public hearing for the Lots 1 & 2 and the west 40 feet of the vacated 11th Street right-of-way adjacent to Lot 1, Block 4, Century Commercial Park special use permit.

No public comment as received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the special use permit for a day care facility on Lots 1 & 2 and the west 40 feet of the vacated 11th Street right-of-way adjacent to Lot 1, Block 4, Century Commercial Park, with the following conditions: 1) Occupancy of the facility shall generally conform with the site configuration submitted with the application; and 2) The number of clients shall be limited to no more than 50, with the understanding that any increase over 50 shall require an amendment to the special use permit. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Conmy, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT FOR LOT 5, BLOCK 3, GOLDEN HEIGHTS SUBDIVISION

Chairman Yeager called for the public hearing for special use permit to move a house previously occupied at another location to Lot 5, Block 3, Golden Heights Subdivision (7613 Viking Drive). The property is located in Golden Heights Subdivision, a lot on the south side of Viking Drive between Barston Lane and 80th Street SE.

Mr. Greenquist provided an overview of the request and listed the following findings for the special use permit:

1. The proposed house relocation would meet the provisions of 14-03-08(3)(r) of the City Code of Ordinances (see attachment).
2. The proposed house relocation is a permitted use and complies with all requirements of the RR – Residential zoning district.
3. Conformance with the building code would be met prior to issuance of the certificate of occupancy (see attached letter).
4. The house to be moved and proposed use of the property would be compatible with the neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

Mr. Greenquist said that based on the above findings staff recommends approval of the Special Use Permit to allow a move of a house previously occupied at another location to Lot 5, Block 3, Golden Heights Subdivision (7613 Viking Drive).

Chairman Yeager opened the public hearing for the Lot 5, Block 3, Golden Heights Subdivision special use permit.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Hegedus made a motion to approve the special use permit to move a house previously occupied at another location to Lot 5, Block 3, Golden Heights Subdivision. Commissioner Waldoch seconded the motion with Commissioners Armstrong, Bullinger, Conmy, Hegedus, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

Ms. Lee stated that the proposed floodplain ordinance is still being reviewed. On May 13, 2010 a public input meeting was held for residents, home builders, contractors and developers who would be impacted by the proposed changes to the ordinance. Ms. Lee said some residents at the meeting were in favor of increasing the elevation on fill from one foot to two foot above the base flood elevation. Others were concerned about how the proposed changes would impact partially developed subdivisions and also the impact on the National Flood Insurance Program. Burleigh County Water Resource District also had some comments regarding applicability of the floodplain regulations to properties that were removed from the floodplain with a Letter of Map

Revision Based on Fill (LOMR(f)). Ms. Lee concluded by saying the proposed ordinance should be presented at the public hearing in June.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:36 p.m. to meet again on June 23, 2010.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman

May 21, 2010

VIA E-MAIL & U.S. MAIL
COBPLAN@ND.GOV

Bismarck-Burleigh County Community Development Department
City Planning & Zoning Commission of Bismarck, North Dakota
Attn: Jason Tomanek
221 North 5th Street
PO Box 5503
Bismarck, ND 58506-5503

Dear City Planning and Zoning Commission Members:

Menard, Inc. is in receipt of a notice regarding a special use permit being requested by New Song Church for a daycare center on Lots-1-2 and the West 40' of Vacated 11th Street Adjacent to Lot 1, Block 4, Century Commercial Park (3200 North 11th Street). The property is located at the intersection of North 11th Street and Weiss Avenue, north of Century Avenue and west of State Street.

While Menard, Inc. would like to make it clear that it favors the growth, prosperity and development of the City of Bismarck, Menard does hold some reservations and concerns regarding the property in question being used for the purpose of a daycare. The operation of the Menards store, like similar large retail establishments, generates a certain level of noise, traffic and lights. Menard, Inc. encourages each of you to consider these factors during your review of the pending request. In the event you deem it appropriate to approve the request, Menards would like it clearly understood that, based upon our prior development in the area and our notice given in the form of this letter, no objections should be made to Menard, Inc. by the City, New Song Church, or the future owners of the daycare facility for any of these foreseeable issues that may result from being placed in close proximity to the existing commercial properties.

Menard, Inc. respectfully requests that the proposal before the committee be considered with the above-mentioned concerns in mind and conditioned on the understanding by all parties that any daycare facility shall in no way impair the future operation of the Menards home improvement store or the future development of its commercial property in the area.

Please include this letter as part of the official public hearing transcript of the May 26, 2010 hearing. Thank you for your time and consideration.

Sincerely,
Menard, Inc.



Devin Dregne

Corporate Counsel
Menard, Inc.

5101 Menard Drive

Eau Claire, WI 54703

Direct: (715) 876-2164

Fax: (715) 876-2743

ddregne@menard-inc.com

Exhibit A

**Major Permit Activity
May 2010**

Non-deeded Owner:	Med Center One
Address:	300 North 7th Street
Cost:	\$445,000.00
Description:	6th floor interior remodel

Non-deeded Owner:	Waterford on West Century LLC
Address:	100 West Century Avenue
Cost:	\$949,000.00
Description:	Interior remodel of common areas and rebuild balconies

Non-deeded Owner:	St. Alexius Administration Building
Address:	1310 East Main Avenue
Cost:	\$16,931,543.00
Description:	4 story building with parking lot

Non-deeded Owner:	Magi-Touch Carpet One
Address:	800 East Sweet Avenue
Cost:	\$1,510,000.00
Description:	Main level addition and renovation of existing space

DATE SELECTION 5/2010												
***** City *****												
Permit Type	5/2010		5/2009		5/2010		5/2009		5/2010		5/2009	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
SINGLE FAMILY DETACHED	35	6,451,481.00	19	3,166,010.00	7	1,404,519.00	8	2,014,872.00	3	596,494.00	2	327,456.00
SINGLE FAMILY ATTACHED	2	333,362.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	1	519,183.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	2	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	2	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	2	2,675.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
STRUCTURE OTHER THAN BLDG	0	.00	1	13,590,000.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	1	120,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	2	875,000.00	1	56,000.00	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	1	7,918,860.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	1	16,931,543.00	0	.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	1	8,879,743.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	1	40,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	3	159,057.00	6	3,408,145.00	0	.00	0	.00	0	.00	1	22,786.00
ROOM ADDITIONS	4	61,173.00	4	57,691.00	2	222,260.00	3	79,762.00	1	82,680.00	0	.00
RESIDENTIAL GARAGES	14	113,740.00	9	58,816.00	7	117,744.00	14	250,880.00	2	132,544.00	1	12,288.00
PATIOS AND COVERS	24	75,120.00	27	77,297.00	2	10,110.00	4	15,880.00	1	4,800.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	24	117,911.00	27	182,600.00	1	10,752.00	2	41,114.00	0	.00	1	1,000.00
HOME OCCUPATIONS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	15	26,132.00	14	19,915.00	0	.00	2	4,200.00	0	.00	0	.00
BASEMENT FINISH	13	49,007.00	15	71,039.00	4	19,236.00	8	62,006.00	0	.00	1	4,940.00
INDUSTRIAL BUILDINGS	2	458,900.00	3	101,372.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	4	1,647,865.00	1	431,343.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 5/2010												
	***** City *****				***** ETA *****				***** County *****			
Permit Type	5/2010		5/2009		5/2010		5/2009		5/2010		5/2009	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	6	301,992.00	10	1,054,576.00	0	.00	0	.00	0	.00	0	.00
OTHER	1	949,000.00	2	703,150.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	3	24,700.00	0	.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	1	.00	1	.00	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	1	.00	0	.00	1	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	1	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	4	38,847.00	3	213,325.00	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	162	27,899,830.00	153	41,330,740.00	24	1,840,621.00	42	2,468,714.00	7	816,518.00	6	368,470.00

		DATE SELECTION		5/2010			
		***** City *****		***** ETA *****		***** County *****	
		5/2010	5/2009	5/2010	5/2009	5/2010	5/2009
Permit Type	Permits	Permits	Permits	Permits	Permits	Permits	Permits
Plumbing	45	53	12	12	2	2	
Electrical	83	80	0	0	0	0	
Mechanical	73	75	12	11	1	1	
Drain Field	0	0	7	10	2	2	
Hood Suppression	0	1	0	0	0	0	
SprinklerStandpipe	2	0	0	0	0	0	
Alarm Detection	0	0	0	0	0	0	
Total	203	209	31	33	5	5	

DATE SELECTION 5/2010							
***** City ***** ETA ***** County *****							
Living Units	Units 5/2010	Units 5/2009	Units 5/2010	Units 5/2009	Units 5/2010	Units 5/2009	
SINGLE FAMILY DETACHED	35	19	7	8	3	2	
SINGLE FAMILY ATTACHED	2	0	0	0	0	0	
THREE & FOUR FAMILY	0	4	0	0	0	0	
MOBILE HOME WITH EXTRAS	1	0	0	0	0	0	
HOSPITALS & INSTITUTIONAL	0	80	0	0	0	0	
ROOM ADDITIONS	1	0	1	0	1	0	
PATIOS AND COVERS	0	0	0	1	0	0	
OTHER	0	2	0	0	0	1	
STORAGE SHEDS	1	0	0	0	0	0	
BASEMENT FINISH	1	0	0	1	0	0	
Total	41	105	8	10	4	3	

BIP140-2	6/09/2010	MAJOR PERMIT ACTIVITY OVER \$350,000				PAGE	5
PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	05/2010	OWNERS NAME CONTRACTOR	VALUATION	
CITY OF BISMARCK	2010-0000535	300 N 7TH	ST		MED CENTER ONE	445,000.00	
					CAPITAL CITY CONSTRUCTION INC		
CITY OF BISMARCK	2010-0000576	1000 W CENTURY	AV		WATERFORD ON WEST CENTURY LLC	949,000.00	
					CAPITAL CITY CONSTRUCTION INC		
CITY OF BISMARCK	2010-0000593	1511 CLIPPER	PL		NODAK CONSTRUCTION	361,914.00	
					NODAK CONSTRUCTION OF BISMARCK		
CITY OF BISMARCK	2010-0000615	1310 E MAIN	AV		ST ALEXIUS ADMINISTRATION BLD	16,931,543.00	
					NORTHWEST CONTRACTING INC		
CITY OF BISMARCK	2010-0000638	800 E SWEET	AV		MAGI-TOUCH CARPET ONE	1,510,000.00	
					MISSOURI RIVER CONTRACTING		

DATE SELECTION 5/2010												
Permit Type	***** City *****				***** ETA *****				***** County *****			
	5/2010		5/2009		5/2010		5/2009		5/2010		5/2009	
Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	
SINGLE FAMILY DETACHED	85	14,837,135.00	38	6,536,500.00	42	7,454,562.00	16	3,584,501.00	5	959,609.00	2	327,456.00
SINGLE FAMILY ATTACHED	35	5,507,785.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	4	888,936.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	1	950,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	2	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	3	4,095.00	6	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	2	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	2	31,516.00	2	2,675.00	0	.00	0	.00	0	.00	0	.00
HOTELS	1	4,362,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	2	144,700.00	0	.00	0	.00	0	.00	0	.00	0	.00
STRUCTURE OTHER THAN BLDG	2	4,380,824.00	1	13,590,000.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	1	120,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	3	2,975,717.00	4	920,800.00	1	56,000.00	0	.00	0	.00	1	210,867.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	1	7,918,860.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	3	17,588,757.00	0	.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	1	8,879,743.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	1	189,256.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	2	125,114.00	4	425,301.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	4	163,557.00	7	14,477,645.00	0	.00	0	.00	0	.00	1	22,786.00
ROOM ADDITIONS	8	138,117.00	9	309,194.00	6	607,263.00	6	223,619.00	2	97,680.00	1	4,000.00
RESIDENTIAL GARAGES	32	289,278.00	19	146,021.00	22	348,200.00	26	486,032.00	13	412,584.00	1	12,288.00
PATIOS AND COVERS	46	141,190.00	33	89,222.00	3	16,110.00	8	29,665.00	1	4,800.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	71	1,117,865.00	55	653,897.00	6	108,952.00	7	182,994.00	3	11,500.00	1	1,000.00
HOME OCCUPATIONS	3	.00	1	.00	0	.00	2	.00	0	.00	0	.00
STORAGE SHEDS	37	65,914.00	23	42,709.00	4	10,164.00	2	4,200.00	0	.00	0	.00
BASEMENT FINISH	64	288,878.00	73	398,222.00	24	118,759.00	39	239,230.00	2	12,650.00	1	4,940.00
INDUSTRIAL BUILDINGS	9	1,022,581.00	11	342,085.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	14	1,952,393.00	20	1,642,891.00	1	988,684.00	0	.00	0	.00	0	.00

Permit Type	DATE SELECTION 5/2010											
	***** City *****				***** ETA *****				***** County *****			
	5/2010	5/2009	5/2010	5/2009	5/2010	5/2009	5/2010	5/2009	5/2010	5/2009	5/2010	5/2009
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	34	2,996,044.00	37	4,398,388.00	0	.00	0	.00	0	.00	0	.00
OTHER	5	1,358,203.00	7	1,200,648.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	6	464,700.00	1	230,645.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	11	.00	5	.00	0	.00	0	.00	0	.00	0	.00
OTHER	4	.00	2	.00	0	.00	1	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	3	.00	3	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	1	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	1	.00	3	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	17	109,909.00	22	467,864.00	1	1,945.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
	515	61,325,528.00	394	63,562,246.00	110	9,710,639.00	107	4,750,241.00	26	1,498,823.00	8	583,337.00

DATE SELECTION 5/2010						
***** City ***** ETA ***** County *****						
Permit Type	5/2010 Permits	5/2009 Permits	5/2010 Permits	5/2009 Permits	5/2010 Permits	5/2009 Permits
Plumbing	144	132	30	19	3	3
Electrical	354	355	0	0	0	0
Mechanical	388	346	63	78	10	5
Drain Field	0	0	7	10	2	2
Hood Suppression	0	1	0	0	0	0
SprinklerStandpipe	2	0	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	903	850	112	110	15	10

DATE SELECTION 5/2010							
***** City *****		***** ETA *****		***** County *****			
Living Units	Units	Units	Units	Units	Units	Units	Units
	5/2010	5/2009	5/2010	5/2009	5/2010	5/2009	5/2009
SINGLE FAMILY DETACHED	85	38	41	16	5	2	
SINGLE FAMILY ATTACHED	35	0	0	0	0	0	
THREE & FOUR FAMILY	0	7	0	0	0	0	
FIVE & MORE FAMILY	9	0	0	0	0	0	
MOBILE HOME WITHOUT EXTRA	0	1	0	0	0	0	
MOBILE HOME WITH EXTRAS	1	0	0	0	0	0	
GROUP QUARTERS	2	0	0	0	0	0	
HOSPITALS & INSTITUTIONAL	0	80	0	0	0	0	
ROOM ADDITIONS	1	0	1	0	1	0	
RESIDENTIAL GARAGES	1	1	1	0	1	0	
PATIOS AND COVERS	0	0	0	1	0	0	
OTHER	3	2	0	1	0	1	
STORAGE SHEDS	2	0	0	0	0	0	
BASEMENT FINISH	5	0	1	2	0	0	
RESIDENTIAL	0	1	0	0	0	0	
Total	144	130	44	20	7	3	